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7 **UNITED STATES DISTRICT COURT**

8 **NORTHERN DISTRICT OF CALIFORNIA**

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10 **ROBERT MCCARTHY**

11 Plaintiff,

12 v.

13 **SUPERIOR AUTO OF EAST BAY, LLC,
d.b.a. SCION OF ALAMEDA a.k.a.**

14 **SUPERIOR TOYOTA OF ALAMEDA a.k.a.
TOYOTA/SCION OF ALAMEDA;
LEONARD ALLEN GOODE; GOODE
FAMILY TRUST; And DOES 1 THROUGH
10, Inclusive,**

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18 **Defendants.**

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20 **Case No.: C 07-3463 JL**

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28 **NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE OF ALL
DEFENDANTS AND PLAINTIFF'S
COMPLAINT IN ITS ENTIRETY.**

[Fed.R.Civ.P. Rule 41(a)(1)]

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3 **PLAINTIFF ROBERT MCCARTHY**, through his attorneys of record, pursuant to
4 Federal Rules of Civil Procedure, Rule 41 (a)(1), hereby requests and gives NOTICE that this
5 Court enter a voluntary dismissal with prejudice of all Defendants from Plaintiff's Complaint.
6 Additionally, Plaintiff requests that Plaintiff's complaint be dismissed with prejudice in its
7 entirety.
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9 **IT IS SO REQUESTED AND NOTICE GIVEN.**

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11 Dated: February 11, 2008

PINNOCK & WAKEFIELD, A.P.C.

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13 By: /S/ David C. Wakefield
14 DAVID C. WAKEFIELD, ESQ.
15 Attorneys for Plaintiff
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CERTIFICATE OF PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as **NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFF'S COMPLAINT IN ITS ENTIRETY**

on the following parties in this action by:

BY ELECTRONIC SERVICE TRANSMISSION via the United States District Court, Northern District of California, Case Management/Electronic Case Files, Filing System. I served a copy of the above listed document(s) to the e-mail addresses of the addressee(s) by use of email as identified and maintained therein.

Steve Scheck, Esq.
PALMIERI, TYLER, WIENER,
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Attorneys for Defendants

x **BY MAIL:** placing _____ the original x a true copy thereof enclosed in sealed enveloped addressed as stated above. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X **FEDERAL:** I declare that I am employed in the office of a member of the Bar of this Court, at whose direction this service was made.

EXECUTED on February 12, 2008, at San Diego, California.

/S/ David C. Wakefield
David C. Wakefield